

REMARKS

The Office Action of October 10, 2007 was based on Claims 1-31. Claims 1, 6-8, 13, 15, and 24 are amended by this paper. Claims 1-31 remain pending and are respectfully submitted along with the concurrently filed *Request for Continued Examination* for further consideration.

In the Office Action, the Examiner rejects Claims 1-31 under 35 U.S.C. § 102(b) as being anticipated by Templeton et al. (U.S. Patent No. 5,679,940). The Applicant is familiar with and has carefully reviewed the Templeton et al. reference and respectfully notes that Templeton et al. fails to disclose each and every aspect of the Applicant's claimed invention of the subject application.

The Applicant notes that the base Claim 1 is amended to recite the additional limitations that the risk scoring engine uses a first scoring model to assess the risk of the original financial transaction based on first transaction variables and provides a first signal indicating that the promissory payment by the customer in the original financial transaction be declined when the risk exceeds a pre-selected threshold and that the overturn scoring engine classifies the risk of overturning the original decline based on one or more second transaction variables, the second transaction variables including at least a second transaction variable indicative of a request to overturn the decline. Similar amendments are made to the other base Claims 13 and 24.

Templeton et al. discloses a point of sale transaction terminal that can be used to gather various items of transaction information related to a check submission for payment and make a risk evaluation. The Templeton et al. system is adapted to evaluate the transaction information and provide an authorization signal, a decline signal, or a prompt for further information followed by an authorization or a decline signal.

However, Templeton et al. does not disclose classifying the risk of overturning an original decline of a transaction and even more particularly fails to disclose use of a transaction variable indicative of a request to overturn the decline in classifying the risk of overturning an original decline. Further, Templeton et al. does not disclose providing a first signal indicating that the promissory payment be declined and providing an overturn signal indicative of the risk of overturning the original decline. Rather, Templeton et al. describe providing only an authorization signal, a decline signal, or a prompt for further information followed by an authorization or a decline signal. Templeton et al. also fail to disclose a first scoring model to

assess the risk of the original financial transaction based on first transaction variables and a decision overturn scoring engine that re-evaluates the decline using a second scoring model, wherein the overturn scoring engine classifies the risk of overturning the original decline based on one or more second transaction variables.

Thus, as the Templeton et al. '940 reference fails to disclose each and every element of the Applicant's claimed invention, the Applicant respectfully notes that the subject application is patentable under the requirements of 35 U.S.C. § 102(b) in light of the Templeton et al. reference. The Applicant respectfully requests that the rejection of Claims 1-31 be withdrawn.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

Co-Pending Applications of Assignee

Applicant wishes to draw the Examiner's attention to the following co-pending applications of the present application's assignee.

Serial Number	Atty. Docket No.	Title	Filed
10/041955	1DATA.044A	SYSTEM AND METHODS FOR SELECTIVE USE OF DATABASES TO PREDICT FINANCIAL RISK	01/07/2002
10/041765	1DATA.045A	SYSTEMS AND METHODS FOR SELECTIVE USE OF RISK MODELS TO PREDICT FINANCIAL RISK	01/07/2002

Applicant notes that cited references, office actions, responses and notices of allowance currently exist or will exist for the above-referenced matters. Applicant also understands that the Examiner has access to sophisticated online Patent Office computing systems that provide ready access to, for example, specification and drawing publications, pending claims and complete file histories, including, for example, cited art, office actions, responses, and notices of allowance.

In the table below, Applicant has identified recent actions in these matters and Applicant respectfully requests that the Examiner review the entire file histories. While Applicant does not believe it necessary to individually list every Patent Office communication, along with Applicant's associated responses, Applicant is doing so as a courtesy. In addition, Applicant respectfully requests that the Examiner continue to review these file histories for current information about these matters.

Appl. No.	Attorney Docket No.	Document Type	Relevant Date
10/041955	1DATA.044A	Application as filed.	01/07/2002
10/0419765	1DATA.045A	Application as filed.	01/07/2002
10/041955	1DATA.044A	Office Action.	11/16/2007

However, if the Examiner cannot readily access these file histories, the Applicant would be pleased to provide any portion of any of the file histories at any time upon specific Examiner request.

The Applicant thus believes that the subject application is in a condition ready for allowance and respectfully requests prompt issuance of a notice of allowability. The Applicant believes that this paper fully addresses the objections made by the Examiner in the Office Action, however should there remain any further impediment to the allowance of this application that might be resolved by a telephone conference, the Examiner is respectfully requested to contact the Applicant's undersigned representative at the indicated telephone number.

Appl. No. : 10/047,917
Filed : January 14, 2002

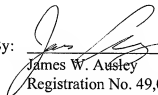
Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: January 10, 2008

By:


James W. Ausley
Registration No. 49,076
Agent of Record
Customer No. 20,995
(951) 781-9231

4585256_1